IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.549 OF 2006

Hemant Bhagwandas Sethana & Ors. ... Petitioners

Vs.

State of Maharashtra & Anr. ... Respondents

Mr. Shirish Gupte, senior counsel with Mr. P. Gandhy i/b M/s. R.G. Sheth & Co. for the petitioners.

Mr. F.R. Shaikh for respondent 1.

Mr. A.A. Joshi i/b Pandya Gandhi & Co. for respondent 2.

CORAM : SMT. RANJANA DESAI, J.

DATED : 9TH NOVEMBER, 2006.

P.C. :-

1. I have heard Mr. Gupte, the learned senior counsel appearing for the petitioners, Mr. Joshi, the learned counsel appearing for respondent 2 and Mr. Shaikh, the learned A.G.P. the State.

2. In the light of the judgment of this court in ***Criminal Application No.550 of 2005 dated 21/6/2005 passed in V.K. Jain & Ors. v. Mr. Pratap V. Padode & Anr.*** and in view of the fact that other alternate

efficacious remedy of filing a revision before the Sessions Court is available to the petitioner, the present petition cannot be entertained. The petitioner may approach the Sessions Court by way of a revision. The learned counsel for respondent 2 states that in the peculiar facts and circumstances of the case, no objection regarding limitation will be raised by respondent 2. Mr. Gupte states that he will make the application before the Sessions Court within six weeks from today. For a period of six weeks i.e. till 21/12/2006, status-quo as of today be maintained. Writ petition is disposed of.

[SMT. RANJANA DESAI, J.]